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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Having regard to the legal framework of the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolutions 1992/72 of 5 March 1992[3] and 2001/45 of 23 April 2001,[4] as well as General Assembly resolution 47/136 of 18 December 1992,

Mindful of its resolutions on the subject of extrajudicial, summary or arbitrary executions, and the resolutions of the Commission on Human Rights on the subject,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.
[4] Ibid., 2001, *Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Notes with grave concern* that situations of extrajudicial, summary or arbitrary executions may, under certain circumstances, result in mass murder, ethnic cleansing or genocide;

4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the further occurrence of such executions;

6. *Acknowledges* the establishment of the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions and the fact that a significant number of States have already signed, ratified or acceded to the Rome Statute,[5] and calls upon all other States to consider becoming parties to the Statute;

7. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on

[5] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

the Rights of the Child,[6] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

8. *Urges* Governments:

(a) To undertake all necessary and possible measures to prevent the occurrence of extrajudicial, summary or arbitrary executions;

(b) To undertake all necessary and possible measures to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergencies or armed conflicts, and to ensure that the police, law enforcement agents and security forces act with restraint and in conformity with international human rights law and humanitarian law;

(c) To undertake all necessary and possible measures to prevent deaths in custody;

(d) Not to expel, return or extradite anyone to a country where there are substantial grounds for believing that he or she may become a victim of extrajudicial, summary or arbitrary execution;

(e) To ensure the effective protection of the right to life of all persons under their jurisdiction, and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of members of national, ethnic or linguistic minorities, of refugees, internally displaced persons, street children or members of indigenous communities, killings of persons for reasons related to their peaceful activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

9. *Encourages* Governments, intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

10. *Reaffirms* Economic and Social Council decision 2004/259 of 22 July 2004 to extend the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions for three years;

11. *Takes note with appreciation* of the interim report of the Special Rapporteur to the General Assembly[7] and the recommendations contained therein, and invites Governments to give them due consideration;

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[6] Resolution 44/25, annex.

[7] A/59/319.

12. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

13. *Urges* the Special Rapporteur to continue, within his mandate, to bring to the attention of the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or where early action might prevent further deterioration;

14. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in that regard;

15. *Urges* all Governments, in particular those that have not yet done so, to respond in a timely manner to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

16. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

17. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

18. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

19. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-first session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon.